

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JASPER RIVERA, :
Plaintiff, :
v. : Civil Action No. 3:12-CV-1339
United States of America, : (Judge Kosik)
Defendant. :

Order

AND NOW, THIS 2nd DAY OF OCTOBER, 2013, IT IS HEREBY ORDERED
THAT:

- [1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated August 12, 2013 (Doc. 69) is **ADOPTED** in part and **DENIED** in part;
- [2] The defendants' motion for summary judgment (Doc. 16) is **GRANTED** in part and **DENIED** in part;
- [3] Defendant's motion for summary judgment is **GRANTED** as to plaintiff's claims that prison officials negligently placed plaintiff and assailant in the same recreation cage and failed to timely intervene after the assault began;
- [4] Defendant's motion for summary judgment is **DENIED** as to plaintiff's remaining claim;

[5] Plaintiff's motion for sanctions (Doc. 49) is **DENIED**; and

[6] A pretrial conference in this case shall be set forthwith.



Edwin M. Kosik
United States District Judge